

REMARKS

It is noted that the drawings as filed, were not objected to by the examiner. Therefore, they are considered to be acceptable.

A petition for a three month extension of time is enclosed with this response, together with a credit card authorization form to pay the required fee for a small entity.

The examiner rejected claims 1 – 4 and 11 – 16 under 35 U.S.C. § 103(a) as being unpatentable over McConnell et al in view of Takatori et al. The examiner also rejected claims 5 – 10 and 17 – 22 under 35 U.S.C. § 103(a) as being unpatentable over McConnell et al in view of Takatori et al, as applied to claims 1 – 4 and 11 – 16 and further in view of Fournies et al..

Applicants respectfully disagree with the examiner's 103 rejections of the claims, and believes the 103 rejections are in error.

Applicants' invention, as claimed is believed to patentably distinguish from the prior art.

First, as admitted by the examiner in his rejection of claims 1 – 4 and 11 – 16, McConnell et al does not specifically teach the provision of at least two billing accounts associated with the handset and the further language set forth in lines 10 -23 of the sole independent claim (claim 1), limiting these at least two billing accounts. The examiner tries to make up for this lack of teaching by citing the secondary reference to Takatori et al. The examiner, however, fails to show motivation in McConnell et al and/or how or why the teaching of Takatori et al may be applied to McConnell et al. That is, the examiner fails to specifically point out any teaching in either reference that allows such combination to obviate the patentability of independent claim 1, or any claims dependent thereon..

McConnell et al is drawn to a method and system for monitoring telecommunications and utilizes a switch and a service controller and requires a special service code to cause the switch to route a call via a special looparound circuit to a destination. McConnell et al does not disclose the use of a dedicated programmable switch coupled to a public switched network, a voice mail server and a billing server as called for in Applicants' independent claim 1. Additionally, McConnell et al does not contain any teaching regarding the use of at least two billing accounts associated with a

telephone number of a handset, nor could it feasibly be modified to contain such at least two billing accounts, without utilizing the teaching of Applicants' current specification. Takatori et al fails to make up for this lack of teaching in McConnell et al. Therefore, independent claim 1 is considered to contain allowable subject matter.

Claims 2- 4 and 11 – 16, dependent on claim 1 or an intervening claim add further novel and limiting features to independent claim 1 and, therefore, are also considered to be allowable.

The tertiary reference to Fougnes et al, utilized by the examiner in rejecting claims 5-10 and 17 – 22, fails to make up for the lack of teaching in McConnell et al, taken alone or when combined with Takatori et al. Therefore, claims 5-10 and 17 – 22, dependent on claim 1 or an intervening claim, add further novel and limiting features and, therefore, are also considered to be allowable.

In summary, none of the prior art, whether taken alone or properly combined, contains teaching or provides motivation of how or why they may be combined to arrive at Applicant's method as claimed herein.

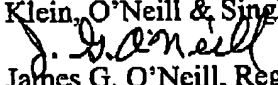
The examiner's contention that it would be obvious to somehow combine the teachings of McConnell et al and Takatori et al and/or McConnell, Takatori et al and Fougnes et al to arrive at Applicant's invention is believed to be incorrect. As set forth in *In Re SANG-SU LEE*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430, the factual inquiry whether to combine references must be thorough and searching and must be based on objective evidence of record. The examiner cannot use conclusory statements to support his subjective belief that it was obvious that a person skilled in the art would have been motivated to combine the prior art.

In the rejections set forth by the examiner, the examiner did not set forth specific motivation or teaching in the prior art, but instead relied on conclusory statements. Therefore, the examiner's rejections of claims 1 – 22 are believed to be improper and should be withdrawn.

Since no claims were added by this amendment, no further fee is required.

In view of the above, the examiner is respectfully requested to allow claims 1 – 22 in this application and to notify Applicants accordingly.

If the examiner has any questions with regard to this response he is respectfully requested to contact Applicants' attorney at either the facsimile or telephone number set forth below.

Very Truly Yours
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